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SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

3741/05
Presented by Shri. Amir Sharm
dated 2/3/05

WRIT PETITION No. 3642 OF 2005

PETITIONER:

Vinod Mishra, son of R.N. Mishra,
aged about 32 years, resident of
Milan chowk, Jashpurnagar, dist.
Jashpurnagar (C.G).

Vs.

RESPONDENTS:

1. State of Chhattisgarh: through:
Secretary, P.W.D. Department,
D.K. Bhawan, Raipur (C.G).
2. Collector, Jashpurnagar (C.G)
3. Tahsildar, Jashpurnagar (C.G)
4. Executive Engineer, National Highways,
P.W.D. Department, Raipur (C.G)

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2.8.05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

आदेश पत्रक

मामला क्रमांक W.P. 3642/ सन् 2005

..... विरुद्ध

(39)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>8-8-2005</u> Dr. Shailesh Ahuja, counsel for the petitioner. Mr. Sandeep Dubey, Govt. Advocate for the State/respondents. Heard both the counsel on admission. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, being aggrieved by letter dated 21-7-2005 (Annexure P-1), whereby the petitioner has been asked to make good the loss suffered by the respondents to the tune of Rs.44,89,644/- on account of not entering into the agreement after the highest bid of the petitioner was accepted to collect the toll tax and thereafter, failing to enter into the contract as a result of which the respondents suffered a loss of Rs.44,89,644/-, as the next bid was of Rs.1,82,10,356/-, whereas the highest bid of the petitioner was Rs.2,27,00,000/-. Learned counsel for the petitioner argued that the respondents were not entitled to recover this amount from the petitioner as the petitioner had not entered into contract and his earnest money has already been forfeited, that too without giving show cause notice to the petitioner to explain his conduct, and the proceedings have been initiated against the petitioner. Therefore, learned counsel for the petitioner submits that the petitioner may be allowed to make a representation, to which, learned Govt. Advocate for the State/ respondents has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make his representation/explanation to respondent No.4 within ten days from today, raising all his grievances and points, in turn, respondent No.4 shall decide the said representation within another 30 days, in an objective manner after	

आदेश पत्रक

मामला क्रमांक

W.P. 3642/

सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	considering all the points raised by the petitioner. However, till the representation of the petitioner is decided, respondent No.4 should not take any coercive method for realization of the said amount. With the aforesaid directions, the writ petition stands disposed of, at the admission stage itself. Consequently, M.(W.)P.No.3066/2005 and I.A.No.6885/2005 also stand disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

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11/08/05

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